

APR 18 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

NOE SANTANA-VALLE,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-74229

Agency No. A79-778-322

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 13, 2006**

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Noe Santana-Valle, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an immigration

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

judge's denial of his application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition for review.

Based on the clear and unambiguous language of § 1229b(d)(2), substantial evidence supports the agency's determination that Santana-Valle failed to established the requisite ten years of continuous physical presence because he left the United States for more than ninety days in 1994 and 1995. *See* 8 U.S.C. § 1229b(d)(2).

PETITION FOR REVIEW DENIED.